

September 4, 2002

VIA ECFS  
Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington D.C. 20554

*Re: Application by Verizon New England Inc., Verizon Delaware Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks, Inc., and Verizon Select Services Inc. for Authorization To Provide In-Region, InterLATA Services in new Hampshire and Delaware, WC Docket No. 02-157*  
**Ex Parte** Filing

Dear Ms. Dortch:

The New Hampshire Public Utilities Commission (NHPUC) files this *Ex Parte* letter in response to a question from the FCC Staff regarding NHPUC Order No. 23, 948 in DT 01-206, *SGAT Additional Unbundled Network Elements (UNE Remand Order)*, dated April 12, 2002. The NHPUC's Order required Verizon to apply an 80% fill factor to both dark and lit transport in order to avoid double recovery. It does not address the loop fill factor and one could infer that the fill factor approved by the NHPUC in the SGAT docket, DE 97-171, for loop continue to apply. We understand that comments have been filed with the FCC to the effect that the 80% fill factor should also apply to the relevant fiber portions of lit loop in order to avoid the same double recovery problem that the NHPUC addressed regarding transport.

The NHPUC did not address changing the fill factor for loop fiber in the *UNE Remand Order*. No party asked for reconsideration of our decision or appealed the order on that point. A

cursory review of the record used to establish loop rates in DE 97-171 reflects a target utilization factor for both fiber and copper feeder of 87.5% . Now that the FCC has raised the issue, the NHPUC will investigate the issue further and address it if warranted.

Sincerely,

E. Barclay Jackson, Esq.  
Hearings Examiner

cc: Service List